

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CHRISTIAN JOHNSON,

Petitioner,

v.

Case Number: 09-CV-11373
Honorable George Caram Steeh

BLAINE LAFLER,

Respondent.

**OPINION AND ORDER DENYING PETITIONER'S MOTION
TO STAY HABEAS CORPUS PROCEEDINGS**

Petitioner Christian Johnson, a Michigan state inmate currently incarcerated at the Carson City Correctional Facility in Carson City, Michigan, filed a *pro se* petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, alleging that he is incarcerated in violation of his constitutional rights. Before the Court now is Petitioner's motion requesting that this Court stay his habeas-corpus proceedings until he has had an opportunity to appeal his restitution claims; Petitioner claims that his habeas proceedings should be stayed until he has fully exhausted the trial court's restitution order, dated February 21, 2008.

The habeas statute provides that a federal court may entertain a habeas application by a state prisoner "only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2254(a). An order of restitution has no bearing on the validity or duration of a prisoner's custody, and therefore a challenge to the order of restitution is not cognizable under § 2254. *Carter v. Smith*, No. 06-CV-11927, 2007 WL 325358, at *7 (E.D. Mich. Jan.31, 2007).

Because this Court does not have jurisdiction over the state court's order of restitution, or the appeals process of such, a stay of Petitioner's habeas proceedings is not appropriate. Petitioner's motion is therefore denied.

Dated: September 29, 2009

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
September 29, 2009, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk